

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

PAUL MURPHY,

Plaintiff,

v.

JAMES C. DELEON GUERRERO, in his
official capacity as Commissioner of the
Department of Public Safety of the
Commonwealth of the Northern Mariana
Islands, and LARISSA LARSON, in her official
capacity as Secretary of the Department of
Finance of the Commonwealth of the Northern
Mariana Islands,

Defendant.


Case 1:14-CV-00026

**ORDER DENYING SECOND
MOTION TO DISMISS**

Defendants James C. Deleon Guerrero and Larissa Larson seek to dismiss Plaintiff Paul Murphy's second amended complaint for insufficient service of process. In an earlier order, the Court explained that Rule 4 of the Federal Rules of Civil Procedure prohibits a party from a lawsuit from serving his own process. (Order 3, ECF No. 11.) Nevertheless, Murphy himself attempted to serve his summons and second amended complaint on Deleon Guerrero and Larson. (*See* Proofs of Serv., ECF Nos. 13, 14.) In their motion to dismiss, Defendants pointed out Murphy's error. However, the day after Defendants filed their motion, Murphy had a non-party serve process on the Defendants. (ECF Nos. 16, 17.) It appears that service has now been perfected. Accordingly, the Defendants' motion will be denied as moot.

1 Based on the foregoing, it is hereby ORDERED that Defendants' motion to dismiss (ECF
2 No. 15) is denied as moot. Defendants shall file a responsive pleading no later than June 19, 2015.

3 SO ORDERED this 4th day of June, 2015.

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6 Ramona V. Manglona
7 Chief Judge
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